

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

SHELLY WAGAR
725 Woodlawn Avenue
Jackson, Michigan 49203

Plaintiff,

V.

TAKHAR COLLECTION SERVICES, LTD.
1623 Military Road, Suite 537
Niagara Falls, NY 14304

Defendant.

Case No

JURY DEMAND REQUESTED

VERIFIED CIVIL COMPLAINT
(Unlawful Debt Collection Practices)

VERIFIED COMPLAINT

SHELLY WAGAR (Plaintiff), by her attorneys, KAHN AND ASSOCIATES, L.L.C., alleges the following against TAKHAR COLLECTION SERVICES LTD. (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.
3. Because Defendant conducts business in Michigan, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

5. Plaintiff is a natural person who resides in Jackson, Jackson County, Michigan and is allegedly obligated to pay a debt, and Plaintiff is a "consumer" as that term is defined by *15 U.S.C. 1692a(3)*.
6. Pursuant to the definitions outlined in *15 U.S.C. 1692a(1-6)*, Defendant is a debt collector and sought to collect a consumer debt from Plaintiff which was allegedly due and owing from Plaintiff, and Plaintiff is a consumer debtor.
7. Defendant is a debt collector with an office in Niagara Falls, New York.
8. Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.
9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

10. On or about April 26, 2010, Defendant called Plaintiff in an attempt to collect a debt.
11. This was the first communication Plaintiff received from the Defendant.
12. During this communication, Defendant failed to identify itself as a debt collector or to inform the Plaintiff that Defendant was attempting to collect information related to a debt.
13. Defendant has called Plaintiff and used obscene, abusive, or profane language.

14. Defendant has placed calls to Plaintiff from number 800-620-0371.

15. Plaintiff has received calls from Defendant at her residence at number 517-962-4766.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

16. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692(e)(11) of the FDCPA by failing to disclose in the initial written communication with the consumer and, in addition, if the initial communication with the consumer is oral, in that initial communication, that the debt collector is attempting to collect and that any information obtained will be used for that purpose, and the failure to disclose in subsequent communications that the communication is from a debt collector.
- b. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.

WHEREFORE, Plaintiff, SHELLY WAGAR respectfully requests judgment be entered against Defendant, TAKHAR COLLECTION SERVICES LTD., for the following:

17. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,

18. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*

19. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff, SHELLY WAGAR, requests a jury trial in this case.

RESPECTFULLY SUBMITTED,

KAHN & ASSOCIATES, L.L.C.



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Attorney for Plaintiff

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF MICHIGAN

Plaintiff, SHELLY WAGAR, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, SHELLY WAGAR, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

7/01/2011
Date

Shelly A Wagar
SHELLY WAGAR

